

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SUITS – High Court of A.P., Hyderabad – Implementation of Judgment dated 21-4-2005 in W.A.No.1850 of 2004 against the order dated 26-9-2003 in W.P.No.31893 of 1997 between Government Vs. Sri D.Charles, Lecturer in Telugu, Noble College, Machilipatnam for admission to Grant-in-Aid approval of appointment retrospectively – Orders – Issued.

HIGHER EDUCATION (CE.II-1) DEPARTMENT

G.O.Rt.No. 1191

Dated:20-12-2008.
Read the following:-

1. From the Hon'ble High Court of A.P., Hyderabad, orders dated 26-9-2003 in W.P.No.31893 of 1997.
2. From the Hon'ble High Court of A.P., Hyderabad, orders dated 21-2-2005 in W.A.No.1850 of 2004 in W.P.No.31893 of 1997.
3. From the C.C.E., A.P., Hyderabad,Lr.Rc.No.7060/Admn.VI-1/97, dated 2-8-2008.

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O R D E R:-

In Government Memo.No.1477/CE.II-1/92-5 Education, dated 30-3-1996, orders were issued permitting the Commissioner of Collegiate Education A.P., Hyderabad to approve the appointment of the following teaching staff of Noble College, Machilipatnam, as special case, as they were selected by properly constituted committee.

1. Sri D.Charles, Lecturer in Telugu
 2. Sri G.Benarji Anand Kumar, J.L., in Telugu
 3. Sri T.Benjamin, J.L., in Chemistry
 4. Sri S.J. Earnest, J.L., in English.
- 2.** Sri D.Charles, filed W.P.No.31893/97 in the Hon'ble High Court seeking directions to the respondents to call for the Proceedings of the C.C.E., in Rc.No.4587/PC.I-1/90, dated 6-4-1996 and L.Dis.No.5083/PC.I-1/96 wherein orders were issued regularizing the service of the petitioner as Lecturer in Telugu with **prospective effect** and set them aside as illegal, discriminatory and to regularize the services of the petitioner in grant-in-aid post from the date of initial appointment i.e., 16-11-1988 instead of 6-4-1996 with all consequential benefits.
- 3.** The Hon'ble High Court in its judgment dated 26-9-2003 in W.P.No.31893/97 first read above among other things while allowing the W.P. directed that:--

"For the aforementioned reasons, respondents are directed to treat that the approval given by the 1st respondent Government vide Memo., dated 30-3-1996 as to the appointment of the petitioner against aided vacancy shall be with effect from 19-7-1993. It is needless to mention that the petitioner is entitled for all the consequential benefits such as pay scale, seniority and arrears of salary with effect from 19-7-1993".

- 4.** Aggrieved by the above orders, the Government filed W.A.No.1850/2004 in the Hon'ble High Court of A.P. The Hon'ble High Court in its order second read above, while dismissing the Writ Appeal among other things held that:---

"The learned single Judge, who considered the rival contentions and also the position of vacancy, has agreed with the contention of the learned counsel for the writ petitioner and directed the appellants to treat the approval given by the 1st appellant-Government as against the aided vacancy that had arisen on 19-7-1993 with all consequential benefits. The said order is assailed in the present writ appeal.

p.t.o.

At the time of hearing, in fact, it is brought to our notice that another lecturer in English by name S.J. Earnest also filed a writ petition before this court and the same was allowed directing the appellants to give effect of regularization from the year 1993. When the said order was assailed in the writ appeal, as there was delay in filing the appeal, the said delay was declined to condone, as a result of which the order of the learned single Judge was confirmed where under, the relief of regularization with effect from 1993 was granted.

In the present appeal, the specific ground attacking the order of the learned single Judge is with reference to G.O.Ms.No.78 as already referred to above. The said ground is covered against the Government by virtue of the order in W.A.1225 of 1998, dated 3-8-1999. Therefore, the said ground is not available in the instant case.

In view of the above, we do not find that there are any merits warranting interference with the order of the learned single Judge".

5. Pursuant to the above orders, Sri D. Charles, Lecturer in Telugu, Noble College, Machilipatnam in his representation dated 15-5-2008 has requested for admission to Grant-in-Aid with effect from 19-7-1993 retrospectively as per the orders dated 21-2-2005 in Writ Appeal No.1850 of 2004 of the Hon'ble Division Bench of High Court, Hyderabad, and requested the Government to issue suitable orders in the matter.

6. The matter has been examined in consultation with concerned administrative department, keeping in view the directions of the Hon'ble High Court of A.P., Government after careful consideration of the matter, hereby accord permission to approve the appointment of the petitioner Sri D.Charles, Lecturer in Telugu, Noble College, Machilipatnam, Krishna District against aided vacancy with effect from 19-7-1993 with all consequential benefits such as pay scale, seniority and arrears of salary with effect from 19-7-1993.

7. The Commissioner of Collegiate Education, A.P., Hyderabad shall take action accordingly.

8. This order issues with the concurrence of Finance (Expr.HE) Department vide their U.O.No.32250/550/Expr.HE/2008, dated 15-12-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Commissioner of Collegiate Education, A.P., Hyderabad.

Copy to:

Sri D. Charles, Lecturer in Telugu, Noble College, Machilipatnam.

"thro" C.C.E., A.P., Hyd.

The Secretary & Correspondent, Noble College, Machilipatnam, Krishna District.
Finance (Expr.HE Department).

SF/SC.

// FORWARDED :: BYORDER //

SECTION OFFICER.